

MEETING OF
THE DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION

A meeting of the Delaware Agricultural Lands Preservation Foundation was held at the Delaware Department of Agriculture, 2320 S. DuPont Hwy. Dover, Delaware, March 12, 2008, with the following members in attendance:

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| Robert F. Garey, Chairman | Allen Messick, Jr. |
| William Vanderwende, Vice Chairman | Theodore P. Bobola, Jr. |
| Michael Scuse, Secretary of Agriculture | Jack Markell, State Treasurer |
| Joseph Wick | Ray Staats |

Absent: Lynn Davenport, and Kevin Coyle.

The following staff members were in attendance: Michael McGrath, Howard Mesick, Milton Melendez, Cathy Mesick, Kathi Spangler, Scott Blaier, and Robin West.

Others in attendance: F. Michael Parkowski, Esq., Mr. Adam Gould, Artesian Water Company, Messrs. Michael Parkowski and James Vescovi, DSWA, Mr. Doug Simpson, and Mr. Phil Tuthill.

Chairman Garey opened the meeting at 8:35 a.m. with prayer.

I. Progress Report:

Milton Melendez informed the Board that we have a total of 952 farms in preservation districts totaling 146,424 acres, with a total of 484 farms under agricultural easements totaling 85,040 acres at a cost of \$137,072,330. For PDR 13 there are a total of 112 farms comprising 15,925 acres with a value of \$247,272,924 to be considered for purchase of development rights. For PDR 14 there are a total of 51 farms comprising 4,330 acres with a value of \$61,814,052. For the Forestland Preservation Program there are 25 farms comprising 2,132 acres.

Michael Parkowski, Esq., then discussed with the Foundation Board the progress being made concerning the Federal requirements for Federal funding. Counsel stressed that the Board need to make a decision before 9:00 a.m. today about acceptance of the NRCS agreement. After discussion the Board decided to ask for more time for a proper cooperative agreement. The Board asked for NRCS to reserve the money but felt they must wait to sign the cooperative agreement until it is modified.

II. Forestland Preservation Area Eligibility & Final Approval:

1. R & S Wyatt Forestland Preservation Area, ID#F-K-07-12-030B-025. After discussion, **William Vanderwende moved to accept for eligibility/final approval the R & S Wyatt Forestland Preservation Area, seconded by Ray Staats. Motion unanimously approved.**
2. A. Robert & Elizabeth Masten Forestland Preservation Area1, ID#F-K-07-08-001H-030. After discussion **Joseph Wick moved to accept for eligibility/final approval the A. Robert & Elizabeth Masten Forestland Preservation Area, seconded by Theodore P. Bobola, Jr. Motion unanimously approved.**

III. Expansion eligibility & Final Approval:

1. R & S Wyatt Expansion of the C.E. Lynch & Sons, Inc. District, ID#K-07-12-030B. After discussion, **Joseph Wick moved to accept for eligibility/final approval the R & S Wyatt Expansion of the C. E. Lynch & Sons District, seconded by Jack Markell. Motion unanimously approved.**
2. Baker Farms Expansion #1 of the Isaacs Farms Emerson District #1, ID#K-07-12-109D. After discussion, **Jack Markell moved to accept for eligibility/final approval the Baker Farms Expansion #1 of the Isaacs Farms Emerson District #1, seconded by Joseph Wick. Motion unanimously approved.**

3. Baker Farms Expansion #2 of the Isaacs Farms Emerson District #1, ID#K-07-12-109E. After discussion, **William Vanderwende moved to accept for eligibility/final approval the Baker Farms Expansion #2 of the Isaacs Farms Emerson District #1, seconded by Jack Markell. Motion unanimously approved.**
4. Nanticoke Farm Expansion of the Isaacs Farms Emerson District #1, ID#K-07-12-109F. After discussion, **Joseph Wick moved to accept for eligibility/final approval the Nanticoke Farm Expansion of the Isaacs Farms Emerson District #1, seconded by Theodore P. Bobola, Jr. Motion unanimously approved.**
5. Sylvester Expansion of the Sylvester District, ID#K-07-12-228C. After discussion, **Jack Markell moved to accept for eligibility/final approval the Sylvester Expansion of the Sylvester District, seconded by Ray Staats. Motion unanimously approved.**
6. Peterson Farms Expansion of the Gary L. O'Day District, ID#S-07-12-242A. After discussion, **Joseph Wick moved to accept for eligibility/final approval the Peterson Farms Expansion of the Gary L. O'Day District, seconded by Theodore P. Bobola, Jr. Motion unanimously approved.**

Secretary Scuse waived his right of veto for the above expansions and forestland preservation areas.

- IV. Public Comments – Mr. Phil Tuthill mentioned that Kent County may be placing \$1M in funding in place for our Purchase of Development Rights Round 14.

At this time, Jack Markell and Michael Scuse left the meeting. There was still a quorum so voting could continue.

- V. Minutes – Vice Chairman Vanderwende asked if there were additions or corrections to the February 13, 2008 minutes, aside from one correction the Vice Chairman noted concerning the mention of Board member Theodore Bobola not being in attendance at the February meeting, which will be corrected. . Receiving no other additions or corrections to the minutes, **Allen Messick, Jr. moved the minutes be approved as corrected, seconded by William Vanderwende. Motion unanimously approved.**

- VI Financial Highlights:

Cathy Mesick informed the Foundation Board that we had, as of February 29, 2008, \$8,195.62 in the Foundation's checking account. The Foundation's interest bearing State of Delaware account had a balance of \$156,197.93. We received \$25.98 revenue from rollback taxes and \$569.46 interest income in the month of February. Expenditures for the month of February totaled \$10,895.12. After discussion, **Allen Messick moved accept the Financial Report as presented, seconded by Ray Staats. Motion unanimously approved.**

- VII. Executive Session – There was no need for an Executive Session.

- VIII. Other Business:

1. Delaware Solid Waste Authority District – ID#S-07-11-250
Request for Artesian Water Easement on Route 5.

Presentation by Artesian Water Company, Mr. James Vescovi, concerning their request for the 15 foot permanent easement which would take under ½ acre of land. The farmer who tills the land is agreeable and both the Solid Waste Authority and Artesian are agreed. Discussion followed. The Chairman wanted to know from Counsel if we are within our guidelines to grant this request. Michael Parkowski, Esq. stated that, yes, we are within our guidelines. Mr. Joseph Wick removed himself from the discussion and vote due to a conflict of interest, as the contractor for this project buys from him. After further discussion **William Vanderwende moved to approve the request for an easement, seconded by Theodore P. Bobola, Jr. Motion carried. Mr. Wick abstained from voting.**

2. Forest Only Value Description – Austin Short

Mr. Austin Short presented the forest only value description. The appraisers will do the fair market values and Mr. Short's calculations will provide the forestland only values. Milton Melendez will compare LE on forestry with Austin Short's calculations to see about possible changes to the LE on forestry to keep both farmland preservation and forestland preservation programs consistent regarding the forestry values.

Mr. Joseph Wick suggested that the Transfer of Development Rights program be a statewide not a county program.

IX. Adjournment

As there was no further business to come before the Foundation, the meeting adjourned at 10:10 a.m. The next meeting of the Foundation will be held on April 9, 2008 at the Delaware Department of Agriculture, beginning at 8:30 a.m.

Respectfully submitted,

William Vanderwende
Vice Chairman